

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND**
Baltimore Division

UNITED STATES,	:	
	:	
v.	:	Case No.: SAG 23-186
	:	
MATTHEW HIGHTOWER,	:	
	:	
Defendant.	:	

MOTION FOR SELF-REPRESENTATION

Matthew Hightower, by and through undersigned counsel, respectfully moves this Court for leave to represent himself and for an order discharging court-appointed counsel. In support of this Motion, Mr. Hightower relies on his Sixth Amendment right to self-representation as held in *Faretta v. California*, 422 U.S. 806 (1975), and asks the Court to set the Motion for a *Faretta* inquiry, at which time Mr. Hightower would express his bases for the request in a closed, *ex parte*, hearing.

Procedural Background

1. On September 22, 2016, Mr. Hightower was convicted of extortion and murder, connected to a health-care fraud conspiracy and sentenced to 380 months.
2. On May 18, 2023, a five-count indictment charged Mr. Hightower with Conspiracy to Murder a Witness (Retaliation), 18 U.S.C. § 1513(f), and related charges connected to the death of L.A., the neighbor of L.E., who testified against Mr. Hightower in the 2016 case.
3. Since counsel's appointment on the 2023 charges, Mr. Hightower has written three letters to the Court seeking to discharge court-appointed counsel. The Court has held two hearings and ordered that undersigned counsel remain on the case.

4. Mr. Hightower's most recent letter to the Court was not provided to undersigned counsel, and, on May 9, 2024, the Court advised that all pleadings need to be filed through counsel. This Motion follows the Court's direction.

Memorandum of Law

The Sixth Amendment protects the right of the individual to conduct his own defense. *Faretta v. California*, 422 U.S. 806 (1975); *McKaskle v. Wiggins*, 465 U.S. 168 (1984); *United States v. Hilton*, 701 F.3d 959, 965 (4th Cir. 2012). "[A]n accused has a Sixth Amendment right to conduct his own defense, provided only that he knowingly and intelligently forgoes his right to counsel and that he is able and willing to abide by the rules of procedure and courtroom protocol." *Wiggins*, 465 U.S. at 174. "The Sixth Amendment does not provide merely that a defense shall be made for the accused; it grants to the accused personally the right to make his defense." *Faretta*, 422 U.S. at 820. Title 28 U.S.C. § 1654 similarly protects the individual's right to "plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein." Fed. R. Crim. P. 44(a) provides that individuals may waive the right to counsel:

Every defendant who is unable to obtain counsel shall be entitled to have counsel assigned to represent him at every stage of the proceedings from his initial appearance before the federal magistrate or the court through appeal, unless he waives such appointment.

A defendant "may waive the right to counsel and proceed to trial pro se only if the waiver is (1) clear and unequivocal, (2) knowing, intelligent, and voluntary, (3) timely." *United States v. Bernard*, 708 F.3d 583, 588 (4th Cir. 2013) (citing *United States v. Frazier-El*, 204 F.3d 553, 558 (4th Cir. 2000) (collecting cases)).

Mr. Hightower asserts that he knowingly, intelligently, and voluntarily waives his right to counsel, and that his request is timely, given that no trial date has been set in this matter.

Conclusion

For the reasons stated above and to be argued at a hearing on this Motion, Mr. Hightower respectfully moves the Court to discharge undersigned counsel and permit him to represent himself.

Respectfully submitted,

Matthew Hightower, *by counsel*

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of June, 2024, I will electronically file the foregoing Motion with the Clerk of Court using the CM/ECF system, which will provide service to all parties.

/s/

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